

Application/Control Number: 09/677,526  
Art Unit: 2683

Docket No.: PALM-3504

### **REMARKS**

Reconsideration and allowance in view of the forgoing amendments and the following remarks are respectfully requested.

By this amendment, claims 1, 3, 7-9, 12, 13, 15-18 and 21-23 and 26 remain pending, claims 1, 3, 13 and 17 having been amended, and claims 4, 6, 10, 11, 19, 20, 24 and 25 having been newly canceled without prejudice or disclaimer.

### **Final vs. Non-Final Office Action**

In the Office Action Summary, the Office Action of July 27, 2005 was indicated as being Non-Final and, as a result, was docketed as a Non-Final Office Action. Recently, Applicants' representative noted that, on page 11 of the Office Action, the Office Action was indicated as being Final. However, Applicants' representative noted that the Patent Office error was not discovered until after the two-month due date had passed.

In view of the above-mentioned Patent Office error, Applicants respectfully request that the present Office Action be treated as a Non-Final Office Action.

### **Oath/Declaration**

On page 2 of the Office Action, the Examiner indicated that inventor, Benoit Vialle, signed the Declaration, but did not date the Declaration. Applicants are submitting, herewith, a copy of a newly executed Declaration by inventor, Benoit Vialle.

### **Rejection of Claims 1, 3, 4, 6, 7, 10, 13, 15-18, 20, 21 and 24**

On page 3 of the outstanding Office Action, the Examiner rejected claims 1, 3, 4, 6, 7, 10, 13, 15-18, 20, 21 and 24 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,233,464 to Chmaytelli, in view of U.S. Patent No. 6,233,464 to Watanabe et al.

Application/Control Number: 09/677,526  
Art Unit: 2683

Docket No.: PALM-3504

("Watanabe") and further in view of U.S. Patent No. 6,091,947 to Sumner. Applicants submit that the amended claims obviate the rejection. Claims 4, 6, 10, 20 and 24 have been canceled without prejudice or disclaimer, thereby making the rejection of these claims moot. Applicants, therefore, respectfully request that the rejection of claims 4, 6, 10, 20 and 24 be withdrawn.

Amended independent claim 1 is directed to a method of managing phone calls on a personal digital assistant having a wireless handheld phone device. The method includes, among other things, receiving a silence signal in response to a user performing an action, after being alerted to an incoming call, and initiating a silence routine, wherein the silence routine is configured to silence a ringer and send the incoming call to a voicemail application.

Applicants submit that Chmaytelli, Watanabe and Sumner do not disclose or suggest, either separately or in any combination, receiving a silence signal in response to a user performing an action, after being alerted to an incoming call, and initiating a silence routine, wherein the silence routine is configured to silence a ringer and send the incoming call to a voicemail application, as required by claim 1.

Applicants note that, on page 7 of the Office Action of July 27, 2005, the Examiner alleged that Sumner (Fig.4; 406, 407, 408), teaches receiving a silence signal, and initiating a silence routine, wherein the silence routine is configured to send the phone call to a voicemail application. However, Applicants submit that the above-cited references fail to disclose or suggest, either separately or in any combination, receiving the silence signal in response to the user performing an action, after being alerted to the incoming call, as required by claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Amended independent claim 3 is directed to a method of managing a phone call to a wireless handheld phone device of a personal digital assistant, wherein the phone call is transmitted from a device in a mobile phone network. The method includes, among other things, when an earplug device is plugged in, silencing a ringer and sending the phone call to a

Application/Control Number: 09/677,526  
Art Unit: 2683

Docket No.: PALM-3504

voicemail application when a user performs an action to initiate a silence routine after being alerted to the phone call.

Applicants submit that Chmaytelli, Watanabe and Sumner fail to disclose or suggest, either separately or in any combination, silencing a ringer and sending the phone call to a voicemail application when a user performs an action to initiate a silence routine after being alerted to the phone call, as required by claim 3.

For at least the reasons discussed above, Applicants submit that claim 3 and dependent claim 7 are patentable over that Chmaytelli, Watanabe and Sumner and respectfully request that the rejection of claims 3 and 7 be withdrawn.

Amended independent claims 13 and 17 recite some features that are similar to features of claim 3. Applicants submit that claims 13 and 17 are patentable over Chmaytelli, Watanabe and Sumner for at least reasons similar to those provided with respect to claim 3. Therefore, Applicants respectfully request that the rejection of independent claim 13, dependent claims 15 and 16, independent claim 17 and dependent claims 18 and 21 be withdrawn.

#### **Rejection of Claims 8, 9, 22 and 23**

On page 8 of the Office Action, the Examiner rejected claims 8, 9, 22 and 23 under 35 U.S.C. 103(a) as allegedly being unpatentable over Chmaytelli, Sumner, Watanabe, and further in view of U.S. Patent No. 6,343,120 to Rhodes. Applicants submit that amended claims 3 and 17 obviate the rejection.

Claims 8 and 9 depend from claim 3, which is patentable over Chmaytelli, Watanabe and Sumner, for at least the reasons discussed with respect to claim 3. Rhodes fails to satisfy the deficiencies of Chmaytelli, Watanabe and Sumner. Therefore, Applicants submit that claims 8 and 9 are patentable over of Chmaytelli, Watanabe, Sumner and Rhodes and respectfully request that the rejection of claims 8 and 9 be withdrawn.

Application/Control Number: 09/677,526  
Art Unit: 2683

Docket No.: PALM-3504

Similarly, claims 22 and 23 depend from claim 17, which is patentable over Chmaytelli, Watanabe and Sumner, for at least the reasons discussed with respect to claim 17. Rhodes fails to satisfy the deficiencies of Chmaytelli, Watanabe and Sumner. Therefore, Applicants submit that claims 22 and 23 are patentable over of Chmaytelli, Watanabe, Sumner and Rhodes and respectfully request that the rejection of claims 22 and 23 be withdrawn.

#### **Rejection of Claims 10 and 24**

On page 9 of the Office Action, the Examiner rejected claims 10 and 24 under 35 U.S.C. 1003(a) as allegedly being unpatentable over Chmaytelli, Sumner, Watanabe and U.S. Patent No. 6,334,054 to Link, II et al. ("Link"). Applicant submits that claims 10 and 24 were canceled without prejudice or disclaimer, thereby making the rejection moot. Applicants, therefore, respectfully request that the rejection of claims 10 and 24 be withdrawn.

#### **Rejection of Claims 11 and 25**

On page 9 of the Office Action, the Examiner rejected claims 11 and 25 under 35 U.S.C. 103(a) as allegedly being unpatentable over Chmaytelli, Sumner, Watanabe and Rhodes and further in view of U.S. Patent No. 6,026,152 to Cannon et al. ("Cannon"). Applicant submits that claims 11 and 25 were canceled without prejudice or disclaimer, thereby making the rejection moot. Applicants, therefore, respectfully request that the rejection of claims 11 and 25 be withdrawn.

#### **Rejection of Claims 12 and 26**

On page 10 of the Office Action, the Examiner rejected claims 12 and 26 under 35 U.S.C. 103(a) as allegedly being unpatentable over Chmaytelli, Sumner, Watanabe and U.S. Patent No. 6,161,134 to Wang et al. ("Wang"). Claims 12 and 26 depend from claims 3 and 17,

Application/Control Number: 09/677,526  
Art Unit: 2683

Docket No.: PALM-3504

respectively, and are patentable over Chmaytelli, Sumner and Watanabe for at least the reasons provided with respect to claims 3 and 17. Wang fails to satisfy the deficiencies of Chmaytelli, Sumner and Watanabe. Therefore, Applicants submits that claims 12 and 26 are patentable over Chmaytelli, Sumner, Watanabe and Wang and respectfully request that the rejection of claims 12 and 26 be withdrawn.

#### **Rejection of Claim 16**

On page 11 of the Office Action, the Examiner rejected claim 16 under 35 U.S.C. 103(a) as allegedly being unpatentable over Chmaytelli, Sumner, Watanabe and U.S. Patent No. 6,240,302 to Harrison.

Claim 16 depends from claim 13, which is patentable over Chmaytelli, Sumner and Watanabe for at least the reasons provided with respect to claim 13. Applicants submit that Harrison also fails to satisfy the deficiencies of Chmaytelli, Sumner and Watanabe. Therefore, Applicant submits that claim 16 is patentable over Chmaytelli, Sumner, Watanabe and Harrison and respectfully requests that the rejection of claim 16 be withdrawn.

Application/Control Number: 09/677,526  
Art Unit: 2683

Docket No.: PALM-3504

**CONCLUSION**

Having addressed all rejections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: October 24, 2005

By: 

Correspondence Address:

**Cust. No. 49637**

Berry & Associates, P.C.

9255 Sunset Boulevard, Suite 810

Los Angeles, CA 90069

Phone: (310) 247-2860

Fax: (310) 247-2864

Richard C. Irving

Attorney for Applicants

Reg. No. 38,499

Phone: 410-414-3056